# UNITED STATES DISTRICT COURT
## SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 16 PM 12: 26
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**SANDOVAL-Flores, Jose Luis**

Defendant,

Magistrate Docket No.__________
Case No. '08 MJ 2178

COMPLAINT FOR VIOLATION OF:
**Title 8, U.S.C., Section 1326**

Deported Alien Found in the United States

(Felony)

The undersigned complainant, being duly sworn, states:

On or about July 15, 2008, within the Southern District of California, Defendant Jose Luis SANDOVAL-Flores, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

**Special Agent Michael Haynes**
**U.S. Immigration & Customs Enforcement**

**SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF JULY 2008.**

**Hon. Cathy A. Bencivengo**
**U.S. Magistrate Judge**

# PROBABLE CAUSE STATEMENT

I, Special Agent Michael Haynes, U.S. Immigration & Customs Enforcement ("ICE"), declare under penalty of perjury, the following is true and correct:

Jose Luis SANDOVAL-Flores came to my attention on July 15, 2008, upon being arrested by ICE Special Agent Andrew Soule in the city of San Diego, California. At approximately 11:30 a.m., Special Agent Soule informed me that he had arrested SANDOVAL and was transporting him to the federal building in San Diego. Shortly after arrival at the San Diego federal building, I queried SANDOVAL's fingerprints in the IDENT system, which yielded a match to his alien file and previous apprehensions by U.S. immigration officers.

A review of records maintained by the U.S. Department of Homeland Security reveals that SANDOVAL is a native and citizen of Mexico who has been deported from the United States to Mexico, most recently on December 13, 2007. These same records indicate that SANDOVAL was ordered removed by an immigration judge on September 8, 2005.

At approximately 2:46 p.m. on the afternoon of July 15, 2008, I read to SANDOVAL his constitutional rights per "Miranda". When asked if he understood these rights, SANDOVAL responded in the affirmative. He again responded in the affirmative when asked if he was willing to answer my questions without an attorney present. This admonishment, stated understanding and waiver, were conducted in Spanish and were videotaped and witnessed by ICE Special Agent Michael Willever.

During interview, SANDOVAL claimed to be a native of Zacatecas, Mexico, and further claimed to have been deported from the United States to Mexico previously. He stated that his last entry to the United States was achieved afoot near the Otay Mesa Port of Entry without having applied for or received permission to lawfully return to the United States after deportation.

I could find no indication during my review of records that SANDOVAL had applied for or received permission to lawfully return to the United States after deportation.